

FILED

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Attorneys For Plaintiff,
PACIFIC SUNWEAR OF CALIFORNIA, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

PACIFIC SUNWEAR OF
CALIFORNIA, INC., a California
corporation,

Plaintiff,

v.

KIRA PLASTININA STYLE, LTD.,
a Russian limited liability entity, and
KP FASHION COMPANY, a
Delaware corporation,

Defendants.

Case No. **SACV08-1141**
COMPLAINT FOR:

1. **FEDERAL TRADEMARK
INFRINGEMENT [15 U.S.C.
§ 1114]**
2. **FALSE DESIGNATION OF
ORIGIN [15 U.S.C. § 1125(a)]**
3. **FEDERAL TRADEMARK
DILUTION [15 U.S.C. § 1125(c)]**
4. **STATE LAW TRADEMARK
INFRINGEMENT [Cal. Bus. &
Prof. Code § 14245]**
5. **TRADEMARK DILUTION
[Cal. Bus. & Prof. Code § 14247]**
6. **STATE LAW UNFAIR
COMPETITION [Cal. Bus. &
Prof. Code § 17200 *et seq.*]**

DEMAND FOR JURY TRIAL

1 Plaintiff PACIFIC SUNWEAR OF CALIFORNIA, INC. ("PAC SUN") for
2 its complaint against defendants KIRA PLASTININA STYLE, LTD., and KP
3 FASHION COMPANY (collectively "Defendants") alleges as follows:

4 **Jurisdiction and Venue**

5 1. This action arises under the provisions of the Lanham Act, 15 U.S.C.
6 § 1051 *et seq.* and under California state law governing trademarks, dilution and
7 unfair competition, specifically and respectively California Business and
8 Professions Code § § 14245, 14247 and 17200 *et seq.*

9 2. This Court has subject matter jurisdiction over the subject matter of
10 this as federal questions pursuant to 28 U.S.C. §§ 1331 and 1338(a) and
11 supplemental jurisdiction pursuant to 28 U.S.C. § 1367. The Court has pendent
12 jurisdiction of the California state claims under 28 U.S.C. § 1338(b).

13 3. Upon information and belief, Defendants have either directly or
14 through their agents transacted business in the State of California and within this
15 judicial district, and Defendants expected or reasonably should have expected
16 their acts to have consequence in the State of California and within this judicial
17 district, thus subjecting Defendants to the personal jurisdiction of this Court.

18 4. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
19 Defendants are doing business in this judicial district and therefore may be found
20 in this district, and/or a substantial part of the events giving rise to the claims
21 alleged herein occurred within this district.

22 **Parties**

23 5. Plaintiff PAC SUN is a California corporation with a principal place
24 of business in Anaheim, California. PAC SUN is engaged in the business of retail
25 clothing and accessory sales. PAC SUN is a publicly-traded company whose
26 stock trades on NASDAQ under the symbol "PSUN." PAC SUN has
27 approximately 813 retail stores and 124 outlet stores throughout all fifty states and
28 Puerto Rico, including stores within this judicial district.

6. On information and belief, defendant KIRA PLASTININA STYLE, LTD., is Russian limited liability entity with its principal place of business at 311 A, Building 3, 108, Dimitrovskoe shosse RU-127591 Moscow, Russian Federation. Kira Plastinina Style Ltd.'s website indicates that it has retail stores located in several states in the United States and within this judicial district including a store location located at 8500 Beverly Boulevard, Suite 814, Los Angeles, California 90048. Kira Plastinina Style, Ltd. is engaged in the business of retail sales of young women's clothing and accessories.

7. On information and belief, defendant KP FASHION COMPANY is a Delaware corporation with its principal place of business at 10960 Wilshire Boulevard, Suite 1420, Los Angeles, California 90024. On information and belief, KP Fashion Company has retail stores located in several states in the United States and within this judicial district including a store location located at 8500 Beverly Boulevard, Suite 814, Los Angeles, California 90048. KP Fashion Company is engaged in the business of retail sales of young women's clothing and accessories.

PAC SUN'S Trademarks

8. PAC SUN is the owner of registered trademarks for the word mark KIRRA for use in connection with apparel in International Class 025. PAC SUN has used the KIRRA trademarks for nearly fifteen years, and has expanded that use to include a variety of goods and/or services. PAC SUN has also registered the KIRRA trademark for use in connection with perfumes in International Class 003. PAC SUN's family of United States Trademark Registrations for the KIRRA word mark includes Nos. 2,893,488; 2,986,176; and 2,841,810. The foregoing Registrations are hereafter collectively referred to as the "KIRRA Marks." True and correct copies of the KIRRA Marks registrations are attached hereto as Exhibits A through C.

///

1 9. PAC SUN's KIRRA Marks are famous, arbitrary, fanciful, highly
2 distinctive and are recognized by the public as identifying PAC SUN's goods
3 and/or services.

4 10. PAC SUN has used its KIRRA Marks throughout the United States
5 and has heavily advertised and promoted them. These marks have developed and
6 represent valuable, substantial and exclusive goodwill and reputation inuring to
7 PAC SUN's benefit.

8 11. PAC SUN has always exercised great care, skill and diligence in
9 maintaining uniform standards of high quality for its products bearing the KIRRA
10 Marks.

11 12. The reputation associated with and the goodwill developed in the
12 KIRRA Marks in the United States are of very high value to PAC SUN.

13 **Defendants' Infringing and Dilutive Activities**

14 13. Defendants have and continue to market, distribute and sell apparel,
15 perfume, and other products bearing the word marks "KIRA" and "KIRA
16 PLASTININA" in United States commerce and in this district.

17 14. PAC SUN's goodwill and reputation are or will be harmed by the use
18 of Defendants' use of the "KIRA" and "KIRA PLASTININA" marks.

19 15. Defendants' use of the "KIRA" and "KIRA PLASTININA" marks so
20 resembles PAC SUN's KIRRA Marks as to be likely to cause confusion, mistake
21 or to deceive as to the source or origin of Defendants' goods and/or services by
22 creating the erroneous impression that Defendants' goods and/or services
23 originate with, are sponsored, approved, endorsed or licensed by, affiliated or
24 associated with, or in some way legitimately connected to PAC SUN, its KIRRA
25 Marks or PAC SUN's goods and/or services. Such confusion, mistake or
26 deception by Defendants' use of the "KIRA" and "KIRA PLASTININA" marks
27 has and will continue to damage PAC SUN.

28 ///

First Claim for Relief
Federal Trademark Infringement
[15 U.S.C. §§ 1114]

18. Defendants' actions in connection with the sale, offering for sale, distribution or advertising of its goods and/or services bearing the word marks "KIRA" and "KIRA PLASTININA" in interstate commerce, without the consent of PAC SUN, constitutes willful, deliberate and intentional infringement of the KIRRA Marks, and has caused and continues to cause a likelihood of confusion, in violation of 15 U.S.C. § 1114.

///

Second Claim for Relief
False Designation of Origin
[15 U.S.C. § 1125(a)]

20. PAC SUN refers to, re-alleges, and incorporates herein by this reference, each and every allegation in the foregoing paragraphs, as though fully set forth herein.

21. Defendants' actions of using the "KIRA" and "KIRA PLASTININA" marks in connection with designing, manufacturing or having manufactured, selling, and/or distributing products and/or services in interstate commerce, without PAC SUN's consent, is a false designation of origin, and has caused and continues to cause a likelihood of confusion, mistake, and deception as to source, sponsorship, affiliation, and/or connection in the minds of the public.

22. Defendants' false designation of origin is in violation of Section 43(a) of the Lanham Act, 15 U.S.C. 1125(a)(1).

23. By reason of the foregoing, PAC SUN has been injured in an amount not yet fully determined, but believed to be in excess of \$75,000. In addition, as a result of Defendants' acts of infringement, PAC SUN has suffered and will continue to suffer irreparable harm, and PAC SUN has no adequate remedy at law with respect to this injury. Unless Defendants' acts of infringement are further enjoined by this Court, PAC SUN will continue to suffer a risk of irreparable harm.

24. Defendants' actions have been knowing, intentional, wanton, and willful, entitling PAC SUN to damages, treble damages, profits, attorney's fees, and the costs of this action pursuant to 15 U.S.C. § 1117 in this Court's discretion.

Third Claim for Relief
Federal Trademark Dilution
[15 U.S.C. § 1125(c)]

25. PAC SUN refers to, re-alleges, and incorporates herein by this reference, each and every allegation in the foregoing paragraphs, as though fully set forth herein.

1 26. Because of the substantial investment PAC SUN has made in
2 marketing goods in connection with its KIRRA Marks, throughout years of
3 continuous use in commerce, including extensive advertising and publicizing of
4 its products, the KIRRA Marks have become instantly recognizable and
5 distinctive in the apparel and perfume industry, have gained secondary meaning,
6 and have become both distinctive and famous. Thus, PAC SUN's KIRRA Marks
7 qualify as "famous marks" under the Federal Trademark Dilution Act, 15 U.S.C.
8 § 1125(c).

9 27. Defendants' manufacturing, distribution, marketing, use, and sale of
10 infringing products bearing the "KIRA" and "KIRA PLASTININA" marks dilute
11 the capacity of the KIRRA Marks to identify and distinguish PAC SUN's goods
12 or services.

13 28. By reason of the foregoing acts of trademark dilution, PAC SUN has
14 been monetarily injured in an amount not yet ascertained.

15 29. PAC SUN has no adequate remedy at law with respect to this injury.
16 Unless the acts of trademark dilution are enjoined by this Court, PAC SUN will
17 continue to suffer irreparable harm.

18 **Fourth Claim for Relief**
19 **Trademark Infringement**
20 **[Cal. Bus. & Prof. Code § 14245]**

21 30. PAC SUN refers to, re-alleges, and incorporates herein by this
22 reference, each and every allegation in the foregoing paragraphs, as though fully
23 set forth herein.

24 31. Defendants have manufactured, distributed, promoted, and sold
25 infringing products bearing the "KIRA" and "KIRA PLASTININA" marks. The
26 use of this designation in the connection with the promotion and sale of
27 Defendants' goods without PAC SUN's prior consent infringes PAC SUN's
28 trademark rights in violation of California Business and Professions Code
§ 14245.

1 32. By reason of the foregoing acts of trademark infringement, PAC
2 SUN has been monetarily injured in an amount not yet ascertained.

3 33. PAC SUN has no adequate remedy at law with respect to this injury.
4 Unless the acts of trademark infringement are enjoined by this Court, PAC SUN
5 will continue to suffer irreparable harm.

6 **Fifth Claim for Relief**
7 **Trademark Dilution**
8 **[Cal. Bus. & Prof. Code § 14247]**

9 34. PAC SUN refers to, re-alleges, and incorporates herein by this
10 reference, each and every allegation in the foregoing paragraphs, as though fully
11 set forth herein.

12 35. Because of the substantial investment by PAC SUN in marketing the
13 KIRRA Marks, these marks have become recognizable and distinctive in the
14 apparel and perfume industry, gaining secondary meaning, and have become both
15 distinctive and famous. Thus, PAC SUN's KIRRA Marks qualify as "famous
16 marks" under the Federal Trademark Dilution Act, 15 U.S.C. § 1125(c).

17 36. Defendants' manufacturing, distribution, marketing, use, and sale of
18 infringing products bearing the "KIRA" and "KIRA PLASTININA" marks is
19 both likely to cause injury to PAC SUN's business reputation and likely to dilute
20 the distinctive quality and capacity of the marks to identify and distinguish PAC
21 SUN's goods or services.

22 37. By reason of the foregoing acts of trademark dilution, PAC SUN has
23 been monetarily injured in an amount not yet ascertained.

24 38. PAC SUN has no adequate remedy at law with respect to this injury.
25 Unless the acts of trademark dilution are enjoined by this Court, PAC SUN will
26 continue to suffer irreparable harm.

27 ///

28 ///

///

Sixth Claim for Relief
Unfair Competition
[Cal. Bus. & Prof. Code § 17200 *et seq.*]

39. PAC SUN refers to, re-alleges, and incorporates herein by this reference, each and every allegation in the foregoing paragraphs, as though fully set forth herein.

40. California Business & Professions Code § 17200 *et seq.* provides that unfair competition means and includes “any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising.”

41. By and through Defendants’ conduct, including the conduct detailed above, Defendants have engaged in activities that constitute unlawful, unfair, and fraudulent business practices prohibited by Business & Professions Code § 17200 *et seq.*

42. Defendants’ acts of intentional and willful trademark infringement and trademark dilution as alleged above constitute unfair competition actionable under the laws of the State of California as unlawful business acts or practices in that, *inter alia*, said acts violate the federal Lanham Act. Specifically, and without limitation, Defendants’ actions of designing, manufacturing, packaging, selling, distributing, and/or offering for sale in interstate commerce products bearing the “KIRA” and “KIRA PLASTININA” marks, without consent of PAC SUN, have caused and continue to cause a likelihood of confusion, mistake, and deception in the minds of the public. Furthermore, said actions have a significant negative impact on the commercial value of and market for PAC SUN’s products under the KIRRA Marks, as well as the value of and market for other products bearing the PAC SUN name.

43. Defendants’ acts of infringement as alleged above constitute unfair competition actionable under the laws of the State of California as fraudulent business acts or practices, in that, *inter alia*, said acts are likely to confuse the public as to the origin of the products.

1 44. Defendants' acts of infringement as alleged above constitute unfair
2 competition actionable under the laws of the State of California as deceptive and
3 false advertising, in that, *inter alia*, said acts are likely to cause confusion,
4 mistake, and deception.

5 45. Such acts and omissions described above are unlawful, unfair,
6 fraudulent, deceptive, misleading, and untrue and constitute a violation of
7 Business & Professions Code Section 17200 *et seq.* PAC SUN reserves the right
8 to identify additional violations by Defendants as may be established through
9 discovery.

10 46. As a result of Defendants' said acts of unfair competition, PAC SUN
11 has suffered and will continue to suffer irreparable harm, and PAC SUN has no
12 adequate remedy at law with respect to this injury. Unless the acts of unfair
13 competition are enjoined by this Court, PAC SUN will continue to suffer
14 irreparable harm.

15 47. As a direct and legal result of Defendants' unlawful, unfair, and
16 fraudulent conduct described above, Defendants have been and will continue to be
17 unjustly enriched with ill-gotten gains.

18 WHEREFORE, PAC SUN requests that this Court enter judgment in
19 its favor, and against Defendants, including orders that:

20 A. Preliminarily and permanently enjoin Defendants and their
21 employees, servants, agents, affiliates, distributors, dealers, attorneys, successors
22 and/or assigns, and all persons in active concert or participation with any of them,
23 from manufacturing, using, selling, offering to sell, importing for sale,
24 advertising, displaying, or using any goods and/or services in the United States
25 containing the "KIRA" and/or "KIRA PLASTININA" marks or any derivative
26 thereof, or any mark likely to cause confusion, mistake, and deception, or to
27 misappropriate PAC SUN's intellectual property;

28 ///

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4675 MacArthur Court
Suite 800
Newport Beach, CA 92660

1 B. Direct the destruction of Defendants' current advertising,
2 promotional and related materials and products, as they relate to such activity in
3 the United States, that bear the infringing "KIRA" and/or "KIRA PLASTININA"
4 marks and/or any other confusingly similar mark to PAC SUN's KIRRA Marks,
5 and Defendants' current inventory of products pursuant to 15 U.S.C. § 1118 and
6 other applicable laws;

7 C. Direct an accounting of profits and damages resulting from
8 Defendants' trademark infringement and trademark dilution, and trebling of such
9 damages under the trademark laws because of the knowing, intentional, willful,
10 and wanton nature of Defendants' conduct;

11 D. Award PAC SUN damages for lost profits, loss of goodwill or other
12 damages as appropriate;

13 E. Award PAC SUN an amount equal to three times the monetary
14 award assessed in view of Defendants' willful and wanton infringement;

15 F. Direct the seizure and forfeiture of all goods bearing infringing
16 marks, upon delivery into the United States pursuant to 19 U.S.C. § 1526(e) and
17 California Bus. & Prof. Code § 14250;

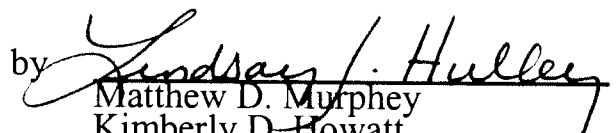
18 G. Award of punitive damages for intentional and willful acts;

19 H. Award PAC SUN its costs, expenses, and attorneys' fees in this
20 action pursuant to 15 U.S.C. § 1117 and other applicable laws; and

21 I. Such other and further relief as the Court deems proper.

22
23 Dated: October 14, 2008

GORDON & REES LLP

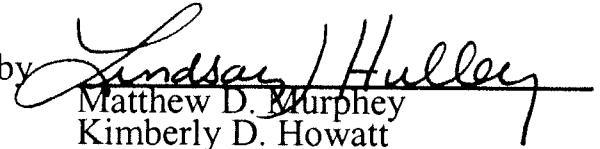
24
25 by 
26 Matthew D. Murphey
27 Kimberly D. Howatt
28 Lindsay J. Hulley
Attorneys for Plaintiff
PACIFIC SUNWEAR OF
CALIFORNIA, INC.

Demand for Jury Trial

Plaintiff PAC SUN hereby demands a jury trial on all issues as to which a jury is available, as provided by Rule 38 the Federal Rules of Civil Procedure.

Dated: October 14, 2008

GORDON & REES LLP

by 
Matthew D. Murphey
Kimberly D. Howatt
Lindsay J. Hulley
Attorneys for Plaintiff
PACIFIC SUNWEAR OF
CALIFORNIA, INC.

Gordon & Rees LLP
4675 MacArthur Court
Suite 800
Newport Beach, CA 92660

TABLE OF EXHIBITS

EXHIBIT A

United States Trademark Registration No. 2,893,488

EXHIBIT B

United States Trademark Registration No. 2,986,176

EXHIBIT C

United States Trademark Registration No. 2,841,810

Gordon & Rees LLP
4675 MacArthur Court
Suite 800
Newport Beach, CA 92660



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Typed Drawing

Word Mark	KIRRA
Goods and Services	IC 025. US 022 039. G & S: men, women and children's apparel, namely, hats, caps, visors, hoods, berets, head bands, sweat bands, ear muffs, gloves, mittens, wrist bands, suspenders, belts, socks, stockings, pantyhose, bodysuits, leotards, leggings, sweat socks, thermal socks, shoes, sneakers, galoshes, waders, boots, sandals, slippers, kerchiefs, scarves, mufflers, bandannas, neckerchiefs, vests, pajamas, robes, kimonos, caftans, smocks, aprons, boxer shorts, briefs, underpants, corsets, corselets, girdles, brassieres, bustiers, chemises, teddies, camisoles, slips, negligees, peignoirs, shirts, blouses, knit tops, dresses, skirts, jumpsuits, pant suits, rompers, swimming trunks, wet suits, thermal underwear, undershirts, tunics, tank tops, cotton woven shirts, knit shirts, polo shirts, t-shirts, sweat shirts, crew neck sweaters, v-neck sweaters, turtleneck sweaters, cardigans, suits, jogging suits, shorts, sweat shorts, jeans, pants, slacks, trousers, sweat pants, ski suits, ski pants, ski bibs, capes, shawls, blazers, waistcoats, rain coats, overcoats, top coats, sport coats, parkas, bolero jackets, jackets, wind resistant jackets, outer jackets, leather jackets, ski jackets, flannel jackets, wool jackets, polyester woven shirts, rayon woven shirts, wool woven shirts, leather coats, elastic waist shorts, fixed waist shorts, denim shorts, and denim jackets. FIRST USE: 19940815. FIRST USE IN COMMERCE: 19940815
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78308218
Filing Date	October 1, 2003
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 20, 2004
Registration Number	2893488
Registration Date	October 12, 2004
Owner	(REGISTRANT) Pacific Sunwear of California CORPORATION CALIFORNIA 3450 East Miraloma Avenue Anaheim CALIFORNIA 928062101
Attorney of Record	Hani Z. Sayed
Prior Registrations	1941758
Type of Mark	TRADEMARK
Register	PRINCIPAL

Exhibit A, Page 14

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Typed Drawing

Word Mark	KIRRA
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Perfume, cologne, scented body spray. FIRST USE: 20030730. FIRST USE IN COMMERCE: 20030730
	IC 025. US 022 039. G & S: men, women and children's apparel, namely, hats, caps, belts, socks, sandals, boxer shorts, shirts, knit tops, swimming trunks, cotton woven shirts, knit shirts, polo shirts, t-shirts, crew neck sweaters, v-neck sweaters, shorts, jeans, outer jackets, elastic waist shorts, fixed waist shorts, denim shorts. FIRST USE: 20030430. FIRST USE IN COMMERCE: 20030430
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78234644
Filing Date	April 7, 2003
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 3, 2004
Registration Number	2986176
Registration Date	August 16, 2005
Owner	(REGISTRANT) Pacific Sunwear of California CORPORATION CALIFORNIA 3450 East Miraloma Avenue Anaheim CALIFORNIA 928062101
Attorney of Record	John J. Murphey
Prior Registrations	1941758
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Exhibit B, Page 16

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge James V. Selna and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV08- 1141 JVS (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====:

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

MATTHEW D. MURPHEY (SBN: 194111)
 KIMBERLY D. HOWATT (SBN: 196921)
 LINDSAY J. HULLEY (SBN: 184924)
 GORDON & REES LLP
 4675 MacArthur Court, Suite 800
 Newport Beach, California 92660
 Ph: (949) 255-6950

Attorneys for Plaintiff PACIFIC SUNWEAR OF
 CALIFORNIA, INC.

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

PACIFIC SUNWEAR OF CALIFORNIA, INC., a
 California Corporation

PLAINTIFF(S)

v.

KIRA PLASTININA STYLE, LTD., a Russian limited
 liability entity, and KP FASHION COMPANY, a
 Delaware corporation

DEFENDANT(S).

CASE NUMBER

SACV08-1141

MS(1141)

SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Matthew D. Murphey, whose address is 4675 MacArthur Court, Suite 800, Newport Beach, CA 92660. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

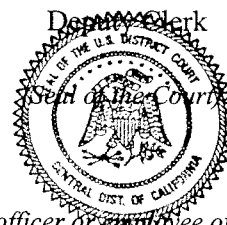
Clerk, U.S. District Court

OCT 14 2008

Dated: _____

NATALIE LONGORIA

By: _____



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) PACIFIC SUNWEAR OF CALIFORNIA, INC., a California corporation		DEFENDANTS KIRA PLASTININA STYLE, LTD., a Russian limited liability entity, and KP FASHION COMPANY, a Delaware corporation	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Matthew D. Murphey Gordon & Rees LLP 4675 MacArthur Court, Suite 800 Newport Beach, CA 92660 (949) 255-6950		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <th style="text-align: left;">Citizen of This State</th> <th style="text-align: center;">PTF DEF</th> <th style="text-align: center;"><input type="checkbox"/> 1 <input type="checkbox"/> 1</th> <th style="text-align: left;">Incorporated or Principal Place of Business in this State</th> <th style="text-align: center;">PTF DEF</th> <th style="text-align: center;"><input checked="" type="checkbox"/> 4 <input type="checkbox"/> 4</th> </tr> <tr> <th style="text-align: left;">Citizen of Another State</th> <th style="text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</th> <th style="text-align: left;">Incorporated and Principal Place of Business in Another State</th> <th style="text-align: center;"><input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5</th> </tr> <tr> <th style="text-align: left;">Citizen or Subject of a Foreign Country</th> <th style="text-align: center;"><input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3</th> <th style="text-align: left;">Foreign Nation</th> <th style="text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</th> </tr> </table>	Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF	<input checked="" type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF	<input checked="" type="checkbox"/> 4 <input type="checkbox"/> 4										
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5												
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6												

IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge	
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V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ _____	
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VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Federal Trademark Infringement [15 U.S.C. § 1114], False Designation of Origin [15 U.S.C. § 1125(A)], Federal Trademark Dilution [15 U.S.C. § 1125(C)], State Law Trademark Infringement Cal. Bus. & Prof. Code § 14245], Trademark Dilution [Cal. Bus. & Prof. Code § 14247], State Law Unfair Competition [Cal. Bus. & Prof. Code § 17200 et seq.]

VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage-Product Liability BANKRUPTCY <input type="checkbox"/> 22 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 61 HIA(1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW 405(g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, CA	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	KIRA PLASTININA STYLE, LTD. (Russia); KP FASHION COMPANY (Delaware)

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, CA	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): Sanderson / Huller Date October 14, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))